

SEXUAL HARASSMENT FY2006

If you have any questions regarding sexual harassment, you may contact Ms. Florine McCall, Equal Employment Opportunity (EEO) Manager at 214-857-1165 or Ms. Deatra Childress at 214-857-1118. You may also contact them by sending an e-mail message

- 1) Sexual harassment, as defined under the Equal Employment Opportunity Commission (EEOC) guidelines, may include "unwelcome sexual advances, requests for sexual favors and/or other verbal or physical acts that are sexual in nature." Sexual harassment may occur whether the harassment is man to man, woman to woman, man to woman, or woman to man.
- 2) In general, there are two types of sexual harassment. Quid pro quo harassment or tangible effect is one form. This type of harassment involves demanding sexual favors in return for some type of tangible job benefit. For example, a decision to hire or not to hire is made based on the applicant's response to a supervisor's unwelcome sexual behavior or a promotion is determined by an employee's response to his supervisor's request for sexual favors. A one-time occurrence of this type of behavior is enough for it to be considered sexual harassment.
- 3) Hostile work environment or intangible effect is the second form of sexual harassment. This claim arises when sexual conduct affects the employee's working conditions or interferes with the employee's work performance. A hostile work environment may arise when physical, verbal or nonverbal behavior creates an atmosphere that would be intimidating or offensive to a reasonable person. This type of claim generally requires proof of more than one or a few isolated incidents to be considered harassment. In hostile work environment cases, harassment conduct may take the form of physical, verbal or nonverbal behavior.
- 4) Harassing conduct includes unwelcome verbal behavior. The following are examples of this type of behavior: referring to an adult as "doll, baby or honey"; whistling at someone or making "cat calls"; telling offensive sexually oriented jokes or stories; changing work discussions to sexually oriented topics or making sexual comments about a person's body.
- 5) Non-verbal forms of unwelcome sexual behavior may constitute a sexual harassment claim. Some examples of this include: frequently staring at someone; displaying sexual gestures with hands, inappropriate body movements or displaying sexually suggestive material.
- 6) Unwelcome hugging, kissing or stroking are considered physical forms of

sexual harassment. Touching a person's clothing, hair or body and brushing against a person are also examples of this type of harassment.

- 7) The Equal Employment Opportunity Commission (EEOC) states that behavior has to be unwelcome, as well as sexual in nature before it will be considered sexual harassment. For example, if someone frequently tells dirty jokes and no one listening objects, the behavior may be inappropriate, but it would probably not be sexual harassment. However, if another coworker overhears these jokes and finds them offensive, this can be considered a hostile work environment and could give rise to a sexual harassment claim, even though the jokes were not specifically directed at that particular coworker. This is known as a third party sexual harassment claim.
- 8) Supervisors are held to a stricter standard than other employees because they represent the agency, set the tone for the workplace and serve as a role model for the employees they supervise. As stated earlier, *quid pro quo* sexual harassment occurs when a supervisor attempts to make an employee's submission to a sexual demand a condition of his or her employment. A supervisor may be guilty of harassment, if he or she makes degrading comments directed primarily at one sex such as, "the lesser abilities" of women/men or the "proper role" of women/men in the workplace. This type of behavior may contribute to a hostile work environment for the employees performing in that department.
- 9) One reason why sexual harassment is sometimes an unclear subject is that people are unsure of the boundaries of acceptable conduct. Some employees believe that they cannot even compliment a coworker on their attire without risking a charge of sexual harassment. As a general rule, you can compliment a person, however you need to be sure that the compliment will not offend that person or be misinterpreted by a third party who may hear your conversation. If there is a hint that the person is uncomfortable with your compliment, by all means choose your words carefully and/or take appropriate action to include an apology, if necessary.
- 10) What is difficult for many people to understand is that some coworkers feel harassed by behavior that is far short of blatant demands for sexual favors. A man may think he is merely flirting and being complimentary, but a woman may feel harassed. The crucial element is the reaction of the recipient. If both parties are comfortable, and the behavior does not interfere with work, it is not sexual harassment.
- 11) If you believe that you have experienced sexual harassment, you should

immediately communicate with the individual responsible for the harassment and ask that the behavior stop. Communication is the key to early resolution.

- 12) If sexual harassment behavior does not stop after you have spoken with the harasser, you should communicate the incident to the appropriate official through the Agency's Equal Employment Opportunity (EEO) discrimination process. Allegations of such conduct will be responded to immediately, appropriately and with the seriousness that each situation deserves. Employees who believe they have experienced sexual harassment should contact a manager in their Service, Human Resource Management Service (HRMS), American Federation of Government Employees (AFGE) union representative, Office of Resolution Management (ORM) or the Equal Employment Opportunity (EEO) Manager.
- 13) If you are a witness to an incident that you believe is sexual harassment, you are responsible to report the behavior to a manager in your Service, Human Resources Management Service (HRMS), American Federation of Government Employees (AFGE) union representative, Office of Resolution Management (ORM), or the Equal Employment Opportunity (EEO) Manager immediately and cooperate in any investigation concerning the matter.
- 14) VA North Texas Health Care System (VANTHCS) has a memorandum addressing sexual harassment, Memorandum No. ER-32, Prevention of Sexual Harassment. The information available in this memorandum can serve as a reference regarding issues pertaining to sexual harassment.
- 15) You are encouraged to notify your supervisor, the VA North Texas Health Care System (VANTHCS) Equal Employment Opportunity (EEO) manager or an American Federation Of Government Employees (AFGE) union representative if you experience what you believe is sexual harassment. You may also contact the Office of Resolution Management (ORM) and speak to an EEO counselor regarding your situation. The ORM that serves VANTHCS is located in Houston, Texas. The telephone number for this office is 1-888-737-3361 which is widely posted throughout VANTHCS.